

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

AHC VENTURES, CORP.,
d/b/a CRYODERM, a Florida corporation,

CASE NO. 0:23-cv-60527-CMA

Plaintiff,

vs.

IZAK ABRAHAM COETZEE, Identity
No. 6204165162084, an adult businessman and
Chief Executive Officer employed as
such at Duty Free Postal Exchange Marketing
(South Africa) CC, situated at 270 Erasmus
Avenue, Raslouw AH, Centurion, Gauteng;
SAMTASTIC, LLC.; SCHMUEL BARSKI;
PEAR ENTERPRISES, LLC; MERCH, INC.;
ELI ROTH; RSBY; ISRAEL LIBEROW;
ROYAL SUPPLY COMPANY; MOSES
BODEK, M&M DISCOUNTERS, INC.;
MENDY LEVY; and DJ DIRECT, INC.,

Defendants.

MOTION TO RECOMMENCE ACTION

Plaintiff AHC Ventures, Corp. d/b/a Cryoderm, pursuant to this Court's Order of May 23, 2024 [ECF No. 76], by and through undersigned counsel, hereby moves this Court for an Order to recommence the action. In support, Plaintiff states as follows:

1. Plaintiff sued Defendant, Moses Bodek, in the above-styled lawsuit. Plaintiff then engaged in attempts to serve Defendant Bodek, unsuccessfully.
2. On January 9, 2024, Defendant, Royal Supply Company, filed a suggestion of death as to Defendant, Moses Bodek [ECF No. 39].

3. On January 16, 2024, this Court issued an Order staying the instant matter and giving Plaintiff 90 days to either file a motion to substitute parties for Defendant Bodek or to allow the action to be dismissed as to Defendant Bodek [ECF No. 48].

4. On April 5, 2024, Plaintiff filed its Motion to Substitute the trustees of Mr. Bodek's Estate as defendants in this action [ECF No. 60]. Most of the named Defendants filed an omnibus opposition to Plaintiff's Motion.

5. On May 23, 2024, the Court issued an Order granting Plaintiff's Motion to Substitute Party Defendant [ECF No. 76].

6. In the May 23 Order, the Court directed Plaintiff to serve the substituted Defendants with a copy of the Court's Order and the operative Complaint in the action. Once completed, the Court indicated Plaintiff could then recommence the instant action by filing a motion seeking that relief.

7. In compliance with this Court's May 23, 2024 Order, Plaintiff has served the substituted parties with a copy of the Order and the current operative complaint. Accordingly, since Plaintiff has complied with the Court's Order, Plaintiff now moves the Court to recommence the action. Given Plaintiff's compliance with the Court's requirements, and the ministerial nature of the request, Plaintiff submits there is no legal or factual basis to oppose the Motion, particularly given that whatever relief Defendants want to direct at the Complaint itself, they can do so once the matter is recommenced.

8. Nevertheless, as required under Local Rule 7.1, Plaintiff has made good faith efforts to obtain Defendants' agreement on the relief requested in this Motion. Beginning on June 26, 2024, Plaintiff emailed Defendants to state it intended to file the Motion to Recommence Case and

asked whether Defendants would agree to the relief requested. Defendants responded by stating they anticipated responding to the request “tomorrow.” Plaintiff followed up with an email on July 3, 2024 seeking a status update, and spoke to Defendants’ counsel on or about July 10, 2024 to ask same. Defendants indicated they had not been able to get in touch with co-counsel because of the July 4 holiday. Plaintiff called Defendants’ office again on July 19, 2024 to inquire about Defendants’ position on the Motion, at which point Defendants’ counsel emailed to request additional time to provide comments on the Motion. Plaintiff emailed counsel again on July 26, 2024 to follow up, to which counsel responded they would discuss the matter the following week. Finally, Plaintiff emailed counsel on July 31, 2024, and indicated it would file the instant Motion on Friday, August 2, and gave Defendants one final opportunity to weigh in. On August 2, 2024, counsel for Israel Liberow, RSBY, and Royal Supply Company indicated they oppose the relief requested in the Motion.

9. Ultimately, despite Plaintiff’s efforts, it was unable to reach consensus on the relief requested in the instant Motion.

WHEREFORE, based on the foregoing, Plaintiff, AHC Ventures, Corp. d/b/a Cryoderm, respectfully request the Court enter an Order recommencing the instant action, and granting such other and further relief as this Court deems proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 2, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I also certify that the foregoing document and the notice of electronic filing is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices

of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically, Notices of Electronic Filing.

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